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ISRAEL'S COMMISSION OF INQUIRY: A TRIUMPH OF DEMOCRACY

by Henry A. Waxman

A remarkable exercise in democracy and moral and political accountability is taking place in Israel. It is unique in the Middle East and unusual -- and to some extent unprecedented -- even for such a mature democracy as the United States. The independent Commission of Inquiry, established to review the extent of Israeli responsibility for the tragic massacre of Palestinian civilians by Phalangist forces in the Sabra and Shatila camps last September 16-18, has concluded its work with a bombshell.

The entire leadership of the Israeli government and military has been found guilty of an immense moral, political and military failure by creating the immediate conditions which permitted the massacre to occur and continue unabated for two days. The Commission has held Defense Minister Ariel Sharon guilty of negligence for failing to appreciate the inevitable consequences of the entry of the Phalange forces into the Palestinian camps, and has recommended that he resign or be fired. The Chief of Military Intelligence has been found similarly culpable. The Chief of Staff, General Eytan, and the commander of the Israeli forces in Beirut, have been sharply reprimanded. Foreign Minister Shamir ignored warnings that a massacre may be underway. And Prime Minister Begin himself has been shown, in this instance, to have been dangerously removed from exercising effective control and responsibility over such momentuous decisions.

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The Commission's ultimate findings will, over the next several days, shape Israel's immediate political future. General Sharon -- and perhaps the entire governing coalition -- may fall from power. New elections may be held. Regardless of what occurs, the course of Israel's foreign and strategic policies has been decisively influenced.

The costs of such an inquiry are enormous, and go far beyond domestic embarrassment and recrimination. The Commission's report is grist for the mills of Israel's enemies, and of authoritarian regimes, which eagerly exploit the shortcomings that have been exposed. Yasir Arafat, who terrorized thousands of Lebanese civilians in his state-within-a-state in Beirut and Southern Lebanon, has the shamelessness to demand war crimes trials for Israelis and Americans for their role in the massacre. Amin Gemayel continues to self-righteously denounce Israel for the massacre, even though his Phalange forces carried out the murders and will escape any blame in the sham investigation being conducted by his government. The Soviet Union condemns Israel even though it is slaughtering with impunity the people of Afghanistan. Syria slanders Israel even though thousands of opponents of the Assad regime were killed in Hama last spring, with barely a ripple of protest from any nation. There is nothing new or even surprising to this hypocrisy. It is the standard of performance in modern diplomacy and propaganda.

It is my hope that we, as Americans, will appreciate the true meaning of the Commission's report. Much has been written in Israel, and in this country, of the parallels between this inquiry and Watergate. Once again, a detailed, painfully fascinating picture

of the exercise of power and responsibility by government leaders has been exposed -- for the world to see. Once again, the fate of a democratic government hangs in the balance.

But Israel has taken the Watergate precedent several steps further. First, unlike President Nixon, who has never testified before any congressional panel or any court regarding his involvement in Watergate, Prime Minister Begin himself appeared before the tribunal to render his account of events. In Israel, no one raised the issue of executive privilege or national security to delay, or frustrate, due process of law. There is no equivalent in Israel for the imperial presidency.

Second, by virtue of the current inquiry, Israel now can be said to have institutionalized searching probes of watershed politico-military failures -- something lacking even in the United States. The immediate precedent for this proceeding was the so-called Agranat Commission, which investigated the degree of Israel's preparedness prior to the surprise Arab attack on Yom Kippur in 1973, and whose findings severely damaged the careers of former Prime Minister Golda Meir and Defense Minister Moshe Dayan. In the United States, however, no blue-ribbon commission conducted an open examination of the ill-fated rescue mission of the hostages in Iran. No resignations for its failure (other than that of Secretary of State Vance, who resigned in protest, not complicity, with the decision to launch the operation) were offered, much less demanded by an impartial panel. No congressional committee has ever been established to conduct a retrospective inquiry of the Vietnam War, which cost over 50,000 American lives. One lieutenant colonel bore the brunt of the investigation into the massacre at My Lai. As citizens,

we can only ponder the memo^ris of those in office at the time, without any chance for cross-examination.

Unlike Israel, I believe our inability to confront directly and rigorously our political and military failures and misjudgments -- essential if we are to learn from our mistakes -- has compromised our military effectiveness and readiness, and made it more difficult to impose full accountability for such decisions on our leaders.

Immediate attention is focused on the political fallout of the Commission's report on the Begin government, the negotiations in Lebanon, and President Reagan's Mideast peace and difficult proposal. These are crucial/matters that Israel will continue to confront. But what is so gratifying, in an era when democracy is an endangered species, is the courage of the people of Israel in pursuing the moral imperatives of that nation's conscience, despite the political toll the inquiry has already exacted, and notwithstanding a world that is largely unable to comprehend the very process itself. As Israel searches its soul, this is a moment of pride, a triumph of democracy.